

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Christopher B. Ghio (State Bar No. 259094) Christopher Celentino (State Bar No. 131688) Jonathan Serrano (State Bar No. 333225) DINSMORE & SHOHL LLP 655 West Broadway, Suite 800 San Diego, CA 92101 Telephone: 619.400.0500 Facsimile: 619.400.0501 christopher.ghio@dinsmore.com christopher.celentino@dinsmore.com jonathan.serrano@dinsmore.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Richard A. Marshack, Chapter 11 Trustee</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</p>	
<p>In re:</p> <p>THE LITIGATION PRACTICE GROUP P.C.,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:23-bk-10571-SC CHAPTER: 11</p> <p style="text-align: center;">APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</p>

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
 - a. Title of motion: Motion for Order Approving Stipulation Between the Debtor: Consumer Legal Group, PC; LGS Holdco, LLC; and Set Forth Inc. f/k/a DebtPayPro
 - b. Date of filing of motion: 7/6/2023
2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed***):
 - a. Briefly specify the relief requested in the motion:

Richard A. Marshack, the Chapter 11 Trustee ("Trustee") for the bankruptcy estate of The Litigation Practice Group, P.C. moves, pursuant to Section 105 of the Bankruptcy Code and Rules 9019 and 2002(a) of the Federal Rules of Bankruptcy Procedure for entry of an order approving the stipulation that resolves all disputes regarding the LPG Fee Shared Clients (as defined in the motion).

- b. Identify the parties affected by the relief requested in the motion:

The parties to the stipulation, potentially the consumer clients, the Estate, and all creditors including consumer creditors.

- c. State the reasons necessitating a hearing on shortened time:

Shortly, the Trustee will seek Court approval to sell certain assets of the Debtor (the "Sale Motion"). However, the Trustee's instant 9019 motion for settlement has to be heard prior. Specifically, the 9019 motion for settlement asks the Court to approve the settlement terms reached by the Trustee, Consumer Legal Group, PC; LGS Holdco, LLC; and Set Forth, Inc. f/k/a DebtPayPro. Upon the Court's approval, if granted, the Trustee intends to resolve all disputes regarding the LPG Fee Shared Clients, which will then allow CLG to serve as a stalking horse bidder in the Sale Motion. Thus, Trustee requests a hearing on this motion be held on July 11, 2023, or as soon thereafter as is convenient to the Court.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory form F 9075-1.1.ORDER .SHORT.NOTICE

Date: 7/6/2023

DINSMORE & SHOHL LLP

Printed name of law firm

/s/ Jonathan Serrano

Signature of individual Movant or attorney for Movant

Jonathan Serrano

Printed name of individual Movant or attorney for Movant

DECLARATION OF CHRISTOPHER B. GHIO

I, CHRISTOPHER B. GHIO, declare as follows:

1. I am special counsel to Richard A. Marshack, the duly appointed Chapter 11 Trustee (the “Trustee”) for the bankruptcy estate (the “Estate”) of The Litigation Practice Group P.C. I am a partner of Dinsmore & Shohl LLP and duly admitted to practice before all of the courts in the State of California, including the United States District Court for the Central District of California.

2. I have personal knowledge of the matters set forth herein. If called as a witness in this matter, I could and would testify competently thereto.

3. I make this declaration in support of the Trustee’s *Application for Order Setting Hearing on Shortened Notice [LBR 9075-1(b)]* (the “Application”) regarding a hearing on the *Chapter 11 Trustee’s Notice of Motion and Motion for Order Approving Stipulation Between the Debtor; Consumer Legal Group, PC; LGS Holdco, LLC; and Set Forth, Inc. f/k/a DebtPayPro; Memorandum of Points and Authorities* (the “Motion”).

4. For the following reasons, good cause exists for shortening time for a hearing on the Motion.

5. On May 26, 2023, the Trustee obtained an emergency order (the “TRO”) that, among other things, restricted the access of Consumer Legal Group, P.C. and LGS Holdco, LLC to the customer relationship management software provided by and hosted by Set Forth, Inc. f/k/a DebtPayPro and the information contained therein. *See* TRO, Adv. ECF No. 13, and as amended on June 6, 2023, Adv. ECF No. 21.

6. Following entry of the TRO, the Trustee and CLG have engaged in good faith, arms-length negotiations that have resulted in the terms and conditions agreed to in that certain Stipulation re Partial Settlement of Claims and Modification of Order on Trustee, Richard Marshack’s Omnibus Emergency Motion as to Covered Parties and Defendants, Consumer Legal Group, P.C. and LGS Holdco, LLC (the “Stipulation”), which will resolve certain aspects of the related adversary proceeding [Adv. Proc. No. 8:23-ap-01046-SC] (the “Adversary Proceeding”), provide funds for the Estate, and protect the interests of the LPG Acquired Clients (as defined in the Motion) by permitting

1 CLG to provide beneficial legal services from licensed in-house attorneys compliant with all
2 applicable regulations, statutes and laws.

3 7. The Trustee's current funds will run out shortly after July 14, 2023 and, in the absence
4 of additional financing, the Trustee will be prevented from continuing to fulfill his obligations. Thus,
5 it is imperative that he attempt to sell the assets prior to that date. The Stipulation, which is attached
6 as Exhibit 1 to the Motion, partially settles claims with CLG, resolves issues that are pertinent to the
7 Debtor's business, and provides access to employees, data, files, and other relevant information that
8 the Trustee needs to move forward with a sale. It also resolves issues related to certain files and allows
9 services to continue to those consumers without litigation. The Trustee requests a hearing on this
10 Motion be held on July 11, 2023, or as soon thereafter as is convenient to the Court.

11 8. In view of the foregoing, it is necessary for the Trustee to seek a shortened notice
12 period for a hearing on the Motion.

13 9. I do not believe that the relief requested herein will prejudice the Debtor or other
14 interested parties. The Trustee seeks an order shortening time as opposed to emergency relief in order
15 to afford the Office of the United States Trustee and other creditors an opportunity to respond to the
16 Trustee's requested relief.

17 I declare under penalty of perjury under the laws of the state of California that the foregoing
18 is true and correct, and that this declaration is executed on this 6th day of July, 2023 at San Diego,
19 California.

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22 _____
23 Christopher B. Ghio
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
655 W. Broadway, Suite 800, San Diego, CA 92101

A true and correct copy of the foregoing document entitled: **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 7/6/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 7/6/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method of service for each person or entity served):* Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* 7/6/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge's Copy:

Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
411 West Fourth Street Suite 5130/Courtroom C
Santa Ana CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

07/6/2023 Jonathan Serrano
Date *Printed Name*

/s/ Jonathan Serrano
Signature

In re The Litigation Practice Group, P.C.
U.S.B.C., Central District of California, Santa Ana
Case No. 8:23-bk-105701-SC

I. SERVED ELECTRONICALLY VIA NEF:

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1 **II. SERVED VIA REGULAR U.S. MAIL:**

2 N/A

3 **III. SERVED VIA OVERNIGHT MAIL (FED EX):**

4 **United States Bankruptcy Court**

5 Honorable Scott Clarkson
6 United States Bankruptcy Court
7 Central District of California
8 411 West Fourth Street, Suite 5130 / Courtroom 5C
9 Santa Ana, California 92701
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